

House Bill 798 (AS PASSED HOUSE AND SENATE)

By: Representative Lane of the 167th

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for Long County and to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualifications, terms, and removal
4 of members; to provide for oaths and privileges; to provide for meetings, procedures, and
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of
6 functions to the newly created board; to provide for certain expenditures of public funds; to
7 provide for compensation of members of the board and personnel; to provide for offices and
8 equipment; to provide for the board's performance of certain functions and duties for certain
9 municipalities; to provide for related matters; to provide for submission of this Act under
10 Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (a) of Code Section 21-2-40 of the O.C.G.A., there is created the
15 Board of Elections and Registration of Long County, hereinafter referred to as "the board."
16 The board shall have the powers, duties, and responsibilities of the superintendent of
17 elections of Long County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
18 Code," currently being exercised by the judge of the Probate Court of Long County, and the
19 powers, duties, and responsibilities of the board of registrars of Long County under Chapter
20 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

21 **SECTION 2.**

22 As used in this Act, the terms "election," "elector," "political party," "primary," and "public
23 office" shall have the same meanings as set forth in Code Section 21-2-2 of the O.C.G.A.
24 unless otherwise clearly apparent from the text of this Act; the term "commissioners" means
25 the board of commissioners of Long County; and the term "county" means Long County.

SECTION 3.

(a) The board shall be composed of three members, each of whom shall be an elector and resident of the county and who shall be appointed by the governing authority of the county.

(b) The initial members of the board shall be appointed for terms of office beginning July 1, 2009. The governing authority of the county shall designate one of the initial members to serve for a term of two years and two of the initial members to serve for terms of four years and until their successors are appointed and qualified. Thereafter, all members of the board shall be appointed for terms of four years and until their successors are appointed and qualified.

(c) Each member of the board shall successfully complete all mandatory training by achieving a passing score on any test administered as a part of such training. Any board member who fails to successfully complete such training and achieve a passing score on any test administered as a part of such training shall stand immediately terminated and shall be replaced by the authority appointing such board member. Any such appointment shall be to fill the unexpired term of the member replaced. Every two years, the board shall elect one of its members to serve as chairperson for a two-year term.

SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board shall be residents of Long County and shall have been registered voters in Long County for a period of at least one year prior to the date of their appointment to the board.

(c) No person shall be eligible to serve as a member of the board of elections and registration while holding any public office to which he or she was appointed or while he or she is a salaried employee of the governing authority of Long County or of any municipality within the county or of any board of education or commission, board, or authority appointed by the governing authority of the county or any municipality within the county, except that members of the board of elections and registration shall be eligible for reappointment.

SECTION 5.

The appointing authority shall certify the appointment of each member of the board by filing an affidavit with the clerk of the Superior Court of Long County no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly

appointed as provided by this Act. The clerk of the superior court shall record each such certification on the minutes of the court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to serve successive terms without limitations and shall have the right to resign at any time by giving written notice of such resignation to the appointing authority and to the clerk of the Superior Court of Long County. Each member shall be subject to removal from the board at any time, for cause, after notice and hearing, by the chief judge of the superior court of the Atlantic Judicial Circuit in the same manner and by the same authority as provided for the removal of registrars.

SECTION 7.

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the original appointing authority shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular meetings and shall meet not fewer than three times per year. Any specially called

94 meeting shall be called by the chairperson or any three members of the board. The board
95 shall maintain a written record of policy decisions amended to include additions or deletions.
96 Such written records shall be made available for the public to review.

97 **SECTION 10.**

98 The board shall have the authority to contract with any municipality located within Long
99 County for the holding by the board of any primary or election to be conducted within such
100 municipality.

101 **SECTION 11.**

102 (a) There shall be a full-time elections supervisor to administer and supervise the conduct
103 of elections and primaries and the registration of electors of the county. The board shall act
104 within 60 days of its members taking office under this Act or of the date of any vacancy in
105 such position, to submit and recommend for the position one to three names of qualified
106 individuals to the commissioners, who shall hire an elections supervisor based on a job
107 description drawn by the board. The commissioners may either hire one of the candidates
108 submitted and recommended by the board or the commissioners may reject all the candidates
109 submitted and recommended by the board and hire another qualified candidate. The
110 elections supervisor shall be deemed a county department head and shall not be eligible to
111 serve as a member of the board. The elections supervisor shall be considered a county
112 employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and
113 other purposes. As a county department head, the elections supervisor shall be subject to
114 direction, evaluation, and corrective action by the board of commissioners.

115 (b) The elections supervisor shall be authorized to employ such full-time and part-time
116 employees, including poll workers, as may be deemed necessary by the elections supervisor
117 and as are approved in the annual budget adopted by the governing authority of the county.
118 All such employees shall be considered county employees for purposes of pay, benefits, sick
119 leave, vacation, and other purposes.

120 **SECTION 12.**

121 Compensation for the members of the board, election supervisor, clerical assistants, and other
122 employees shall be fixed by the commissioners. Such compensation shall be paid wholly
123 from county funds.

SECTION 13.

The commissioners shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the commissioners deem appropriate.

SECTION 14.

The commissioners shall through the board's legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 15.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2009. Upon this Act becoming fully effective, the judge of the probate court of Long County and the board of registrars of Long County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties. On such date, the board of registrars of Long County shall be abolished.

SECTION 16.

All laws and parts of laws in conflict with this Act are repealed.